



**CITY OF SUNNYVALE
REPORT
Planning Commission**

September 13, 2004

SUBJECT: **2004-0590 – Sandra Steele, The Alaris Group** [Applicant]
 St Thomas Parish Wardens and Vest Al [Owner]:
 Application for related proposals on a 2.23-acre site located
 at **231 Sunset Avenue** in a P-F (Public Facility) Zoning
 District (APN: 165-10-035):

Motion Use Permit to allow a new 50-foot monopole in the rear of
 the parking lot at St. Thomas Parish Church

Motion Variance from SMC (Sunnyvale Municipal Code) section
 19.54.030 (p) to allow a 30-foot setback along the rear yard
 where 100 feet is required.

REPORT IN BRIEF

Existing Site Church
Conditions

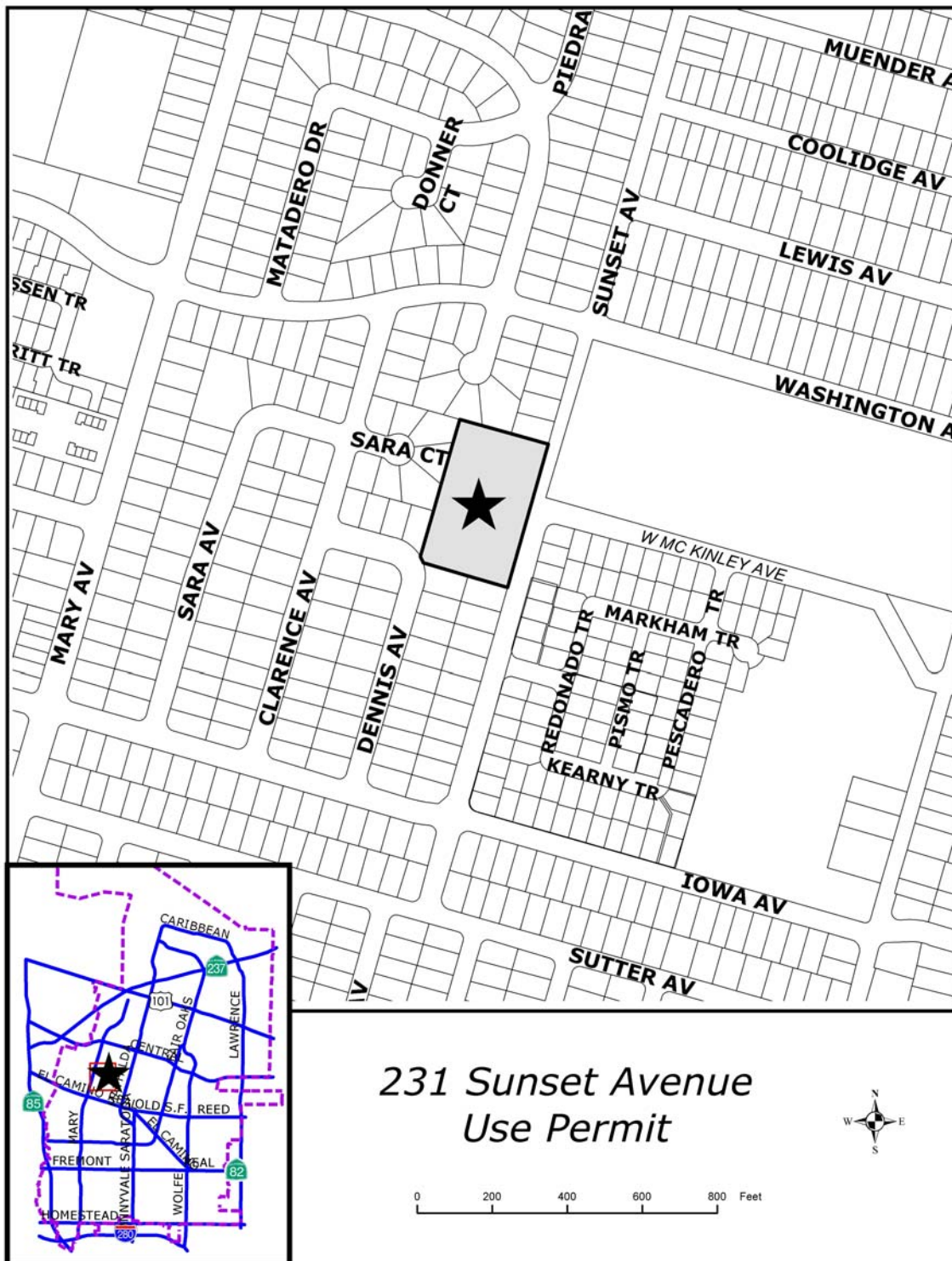
Surrounding Land Uses

North	Single Family Residential
South	Single Family Residential
East	Single Family Residential and Washington Park
West	Single Family Residential

Issues Height
 Design
 Proximity to Residential Neighborhood

Environmental A Negative Declaration has been prepared in
Status compliance with California Environmental Quality
 Act provisions and City Guidelines.

Staff Approve with Conditions
Recommendation



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	School	Same	School
Zoning District	PF	Same	PF
Lot Size	2.23 acres	Same	No min.
Gross Floor Area (s.f.)	16,821	Same	58,101 max.
Lot Coverage (%)	17.4%	Same	40% max.
No. of Buildings On-Site	3	Same	Previous Use Permit
Building Height (ft.)	45 ft.	Same	Previous Use Permit
Monopole Height (ft.)	N/A	50 ft.	Up to 65 ft. permitted with major Use Permit
Area of equipment enclosure at the base of the pole	N/A	328 sq. ft.	No max.
Setbacks of proposed monopole (facing prop.)			
• Front	N/A	Approx 200 ft.	100 ft. min.
• Left Side	N/A	50 ft.	50 ft. min.
• Right Side	N/A	Approx 300 ft.	100 ft. min.
• Rear	N/A	30 ft.	100 ft. min.
Total Landscaping (sq. ft.)	23,818 (24%)	Same	19,367 (20%)
Parking			
• Total No. of Spaces	117	Same	Permitted with previous Use Permit



Starred and shaded rows indicate deviations from SMC requirements.

ANALYSIS**Background**

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2002-0531	Use Permit to allow additions of classrooms and upgrade existing parish hall	Administrative Hearing Approved	8/14/02
1285	Construct sanctuary	Planning Commission Approved	10/11/65

Description of Proposed Project

The project consists of installation of a 50 ft. high monopole concealed as a pine tree with associated ground equipment at the base of the pole. This equipment will be screened by a 6 ft. high fence.

Environmental Review

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment 3, Initial Study).

Use Permit and Variance

Use: The proposed freestanding telecommunications facility is intended to serve Sprint PCS customers in the surrounding residential neighborhood. Due to the increased demand for service from residential customers, the facility would need to be located in this residential neighborhood.

Site Layout: The church property has several buildings on the eastern part of the lot with a parking lot on the western edge. The proposed monopole will go in an existing landscaping area at the back of the parking lot, approximately 30 ft. from the rear property line. This setback requires a Variance from SMC 19.54.030 (p) which requires freestanding facilities to be set back 2 linear feet of setback for every foot of vertical height. The applicant chose this location on this site to take advantage of an existing landscaped area, preserving parking spaces and other significant trees in the lot. The applicant also believed this

location would blend the facility in with other trees along the property perimeter.

Design: SMC Section 19.54.040(a) states that “based on potential aesthetic impact, the order of preference for facility type is: façade mounted, roof mounted, ground mounted, and freestanding tower.” As a freestanding facility, the proposed design is the least desirable.

Alternative Locations/Designs Considered

1. Washington Park – The applicant looked into installing antennas on existing light poles within the park. The City currently discourages private telecommunication carriers from using City facilities.
2. St. Cyprian Church – The church roof (approx. 30 ft.) was too low to install roof-mounted antennas and meet coverage objectives.
3. Mary Manor Shopping Center – The proposed building roof (approx. 30 ft.) was too low to install roof-mounted antennas and meet coverage objectives.
4. Roof-Mounted Facility at Subject Site – While the church roof is approximately 45 ft. tall, the church was concerned about the long-standing structural integrity of the roof, and did not wish to make further modifications.

Due to the limited area, low scale of buildings, and general residential character, finding an appropriate location and design was difficult. The 50 ft. freestanding facility will be camouflaged as a pine tree (see Attachment 5, Photo Simulations). This camouflage is intended to mitigate potential visual impacts of the facility. To ensure that the proposed tree is realistic, staff recommends that the foliage begin 10 ft. from the ground and that branch design and length be approved separately by the Director of Community Development (Conditions # 14 and 15).

Ground Equipment: The proposed ground equipment is 328 sq. ft. and surrounded by a 6 ft. high fence. This equipment will be operating continuously and is required by SMC 19.42.030(a) to not exceed 50 dBA. This standard is also applied to pool equipment and air conditioning units in residential neighborhoods. In order to ensure that the proposed equipment meets this standard, staff recommends that noise measurements be taken during equipment operation prior to building permit final (Condition #18)

Radio Frequency (RF) Emissions Exposure: The RF Emissions Report (Attachment 6) includes information about the proposed radio frequency of the tower. The proposed tower emits 0.12% of the maximum standard permitted by the FCC and is considered safe for inhabited areas. The FCC is the final authority on safety of telecommunications towers. If the FCC has determined the facility to be in compliance with federal standards, the City is not permitted

to make additional judgments on health and safety issues. This application shall be considered on design and location criteria only.

Existing Landscaping: There are existing significant trees both in the parking area and surrounding the perimeter of the property. Two trees in front of the proposed facility are approximately 43 ft. in height, or seven feet shorter than the proposed pole. Other landscaping is approximately 20-30 ft. tall. The proposed tower will be the tallest “tree” on the property. The attached simulations demonstrate that the proposed design appear as part of the existing landscaping.

Compliance with Development Standards

This project requires a variance from the setback standard which would require 100 ft. The intent of this ordinance was to mitigate visual impacts on surrounding residential properties.

Expected Impact on the Surroundings

There will be a minor visual impact on the surrounding properties, as there will be a new “tree” in the parking lot. Proposed noise and radio frequency emissions will meet applicable standards, and no other impact is expected.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings for the Variance and Use Permit.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

The applicant hosted a neighborhood meeting on this proposal on Wednesday, September 1, 2004. Approximately 20 members of the public came to the meeting and expressed concerns about height, noise, proximity to homes and safety of radio frequency emissions. Several have sent emails stating these concerns (see Attachment 7, Letters from Interested Parties).

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 103 notices were mailed to the property owners and residents within 300 ft. of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Adopt the Negative Declaration and approve the Use Permit and Variance with attached conditions.
2. Adopt the Negative Declaration and approve the Use Permit and Variance with modified conditions.
3. Adopt the Negative Declaration and do not approve the Use Permit and Variance.
4. Do not adopt the Negative Declaration and direct staff as to where additional environmental analysis is required.

Recommendation

Alternative 1.

Prepared by:

Diana O'Dell
Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Attachments:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Negative Declaration
4. Site and Architectural Plans
5. Photo Simulations
6. RF Report
7. Letters from Interested Parties

Recommended Findings - Use Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

Telecommunications Policy Goal B: Promote universal access to telecommunications services for all Sunnyvale citizens.

Land Use and Transportation Element Action Statement N1.1: Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.

Land Use and Transportation Element Policy N1.3: Support a full spectrum of conveniently located commercial, public and quasi-public uses that add to the positive image of the City.

The project addresses these policies by providing for residential access to telecommunications services while designing the facility to blend with the residential character of the neighborhood.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because the proposed design will not negatively impact the surrounding residential properties and the RF emissions are substantially below federal limits.

Recommended Findings - Variance

1. *Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district.*

In order to serve residential customers, telecommunication facilities will increasingly need to locate in residential neighborhoods. Heights of at least 40-50 ft. are needed to adequately serve a mile radius area. This limits location placement substantially, as many residential neighborhoods have buildings of 15-25 ft. in height. New locations will need to be found in churches or other services in residential neighborhoods. The proposed property is unusually small for a PF property, with significant restrictions in possible locations for a freestanding facility. The proposed tree design mitigates visual impacts that were intended to be addressed by additional setback requirements.

2. *The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district.*

The facility will be camouflaged as a tree, mitigating any potential visual impact on the neighborhood. As a tree, the proximity to the residential neighborhood will not create a negative visual impact on the site.

3. *Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district.*

The intent of the ordinance was to create adequate setbacks to mitigate the visual impact of a freestanding facility. This has been achieved by disguising the pole as a pine tree. The proposed “tree” blends into the surrounding landscaping, disguising any negative visual impact.

Recommended Conditions of Approval – Use Permit and Variance

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

General

1. Submit for Building Permits prior to construction/installation activity.
2. Any major modifications or expansion of the approved use shall be approved at a separate public hearing by the Director of Community Development. Minor modifications shall be subject to approval by the Director of Community Development.
3. Every owner or operator of a wireless telecommunication facility shall renew the facility permit at least every five (5) years from the date of initial approval.
4. Each facility must comply with any and all applicable regulations and standards promulgated or imposed by any state or federal agency, including but not limited to, the Federal Communications Commission and Federal Aviation Administration.
5. Certification must be provided that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to RF emissions.
6. The owner or operator of any facility shall obtain and maintain current at all times a business licenses issued by the city.
7. The owner or operator of any facility shall submit and maintain current at all times basic contact and site information on a form to be supplied by the city. Applicant shall notify city of any changes to the information submitted within thirty (30) days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to the following:
 - (a) Identity, including name, address and telephone number, and legal status of the owner of the facility including official identification numbers an FCC certification, and if different from the owner, the

identity and legal status of the person or entity responsible for operating the facility.

- (b) Name, address and telephone number of a local contact person for emergencies.
 - (c) Type of service provided.
8. All facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed from any facility or equipment as soon as practicable, and in no instance more than forty-eight (48) hours from the time of notification by the city.
 9. Each facility shall be opened in such a manner so as to minimize any possible disruption caused by noise. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekend nights. At no time shall equipment noise from any source exceed an exterior noise level of 50 dB at the property line.
 10. Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards set forth in the Telecommunications Ordinance.
 11. The wireless telecommunication facility provider shall defend, indemnify, and hold harmless the city of any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the city, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The city shall promptly notify the provider(s) of any such claim, action or proceeding. The city shall have the option of coordination in the defense. Nothing contained in this stipulation shall prohibit the city from participating in a defense of any claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.
 12. Facility lessors shall be strictly liable for any and all sudden and accidental pollution and gradual pollution resulting from their use within the city. This liability shall include cleanup, intentional injury or damage to persons or property. Additionally, lessors shall be responsible for any

sanctions, fines, or other monetary costs imposed as a result of the release of pollutants from their operations. Pollutants mean any solid, liquid, fumes, acids, alkalis, chemicals, electromagnetic waves and waste. Waste includes materials to be recycled, reconditioned or reclaimed.

13. Wireless telecommunication facility operators shall be strictly liable for interference caused by their facilities with city communication systems. The operator shall be responsible for all labor and equipment costs for determining the source of the interference, all costs associated with eliminating the interference, (including but not limited to filtering, installing cavities, installing directional antennas, powering down systems, and engineering analysis), and all costs arising from third party claims against the city attributable to the interference.

Monopole Design

14. The monopole shall be disguised as pine tree. Foliage shall start at 10 ft. above ground level. The pole shall have full bark.
15. Branch design and length shall be approved by the Director of Community Development prior to issuance of the building permit.
16. The pole shall be structurally designed to support up to two additional carriers unless the applicant can demonstrate that they negatively effect the aesthetic nature of the “tree” pole.

Ground Equipment

17. Ground equipment fencing shall be 6 ft. high wooden fencing.
18. Prior to building permit final, the applicant shall measure the noise from the surrounding homes to ensure compliance with Sunnyvale Municipal Code standards.